

REMARKS

Claims 1-16 were previously pending in this application. By this amendment, Applicant is canceling no claims. Claims 1 and 8-16 have been amended. New claims 36-39 have been added. As a result claims 1-16 and 36-39 are pending for examination with claims 1, 36 and 39 being independent claims. No new matter has been added.

Summary of Telephone Conference with Examiner

Applicant thanks Examiner Alam for his time and courtesy during the telephone interview conducted on September 19, 2007 with the Applicant's representatives Thomas McGinnis and Thomas Sullivan. During the interview, the Examiner and the Applicant's representatives discussed the patentability of the claims in light of the cited references. In particular, Examiner and Applicant's representatives discussed the reasoning for the claim rejections under 35 U.S.C. §101 and 35 U.S.C. §102. No agreement was reached regarding the patentability of the claims.

Rejection under 35 U.S.C. §101

The Office Action rejected claims 8-14, 20-24 and 32-34 under 35 U.S.C. §101, alleging the claimed invention is directed to non-statutory subject matter. Without acceding to the correctness of this rejection, claims 8-14 have been amended and as amended meet the requirements of 35 U.S.C. §101. Claims 20-24 and 32-34 are currently not pending; therefore, the rejection of these claims is moot. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §102

The Office Action rejected claims 1-16 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,442,706 to Steven B. Wahl et al. (hereinafter "Wahl"). Applicant has amended claim 1 and respectfully requests reconsideration in light of the following comments.

Claim 1, as amended, is directed to a system that includes among other elements "a sensor interface responsive to the processor and configured to receive environmental data." Wahl does not disclose a system having a sensor interface as claimed.

Wahl is directed toward a “computer network remote data mirroring system [that] writes update data both to a local data device and to a local, chronologically sequenced journal storage area, or writelog device” (Abstract). Wahl discloses a “primary mirror daemon on a local computer system [that] monitors the writelog device for data updates” (Abstract). Wahl goes on to disclose “writelog device throttling [which] prevents a memory overflow condition by dynamically assigning memory to a writelog device.” (Abstract) Thus, Wahl discloses a data mirroring system that prevents data overflow on the mirroring device by assigning additional storage to the mirroring device as needed.

Wahl does not disclose “a sensor interface responsive to the processor and configured to receive environmental data” as recited in claim 1 as amended. Consequently, Wahl does not disclose at least element of claim 1, as amended. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2-16 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Accordingly, withdrawal of the rejection of those claims is respectfully requested.

Newly Added Claims

Applicant has added new claims 36-39 to further define Applicant's invention. Support for each of the new claims is provided by the specification as filed. Support for the subject matter of claims 36-39 is provided, for example, in paragraphs [0019]-[0025].

New independent claim 36 and 39 recite, in part, “receiving, by the kernel-mode device driver, environmental data via a sensor interface.” Wahl does not disclose these claim elements for the same reasons that Wahl does not disclose the elements of claim 1, as discussed above. For at least this reason, new claims 36 and 39 are patentable over Wahl and are believed to be in condition for allowance. New claims 37 and 38 depend from claim 36 and are therefore allowable for at least the same reasons as is claim 36.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,

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